



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2366

Introduced 2/19/2009, by Rep. Eddie Washington

SYNOPSIS AS INTRODUCED:

10 ILCS 5/10-3

from Ch. 46, par. 10-3

Amends the Election Code. Changes the number of petition signatures required by an independent candidate to the same number required by a candidate of a political party for nomination to the particular office (now, various larger percentages of numbers of voters).

LRB096 07812 JAM 17915 b

1 AN ACT concerning elections.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing Section
5 10-3 as follows:

6 (10 ILCS 5/10-3) (from Ch. 46, par. 10-3)

7 Sec. 10-3. Nomination of independent candidates (not
8 candidates of any political party), for any office to be filled
9 by the voters of the State at large may also be made by
10 nomination papers signed in the aggregate for each candidate by
11 the same number of voters as required by law for a nomination
12 petition filed for a candidate of a political party for the
13 same office ~~1% of the number of voters who voted in the next~~
14 ~~preceding Statewide general election or 25,000 qualified~~
15 ~~voters of the State, whichever is less.~~ Nominations of
16 independent candidates for public office within any district or
17 political subdivision less than the State, may be made by
18 nomination papers signed in the aggregate for each candidate by
19 qualified voters of such district, or political subdivision,
20 equaling the same number of voters as required by law for a
21 nomination petition filed for a candidate of a political party
22 for the same office. For the purpose of this Section, the
23 number of voters required by law for a nomination petition

1 filed for a candidate of a political party is the actual
2 number, and not a percentage of voters in a previous primary or
3 election, regardless of whether that actual number is required
4 for the candidate of a political party only as an alternative
5 to the percentage of voters and regardless of whether the
6 actual number is required for the candidate of a political
7 party only immediately following redistricting. ~~not less than~~
8 ~~5%, nor more than 8% (or 50 more than the minimum, whichever is~~
9 ~~greater) of the number of persons, who voted at the next~~
10 ~~preceding regular election in such district or political~~
11 ~~subdivision in which such district or political subdivision~~
12 ~~voted as a unit for the election of officers to serve its~~
13 ~~respective territorial area. However, whenever the minimum~~
14 ~~signature requirement for an independent candidate petition~~
15 ~~for a district or political subdivision office shall exceed the~~
16 ~~minimum number of signatures for an independent candidate~~
17 ~~petition for an office to be filled by the voters of the State~~
18 ~~at large at the next preceding State wide general election,~~
19 ~~such State wide petition signature requirement shall be the~~
20 ~~minimum for an independent candidate petition for such district~~
21 ~~or political subdivision office. For the first election~~
22 ~~following a redistricting of congressional districts,~~
23 ~~nomination papers for an independent candidate for congressman~~
24 ~~shall be signed by at least 5,000 qualified voters of the~~
25 ~~congressional district. For the first election following a~~
26 ~~redistricting of legislative districts, nomination papers for~~

1 ~~an independent candidate for State Senator in the General~~
2 ~~Assembly shall be signed by at least 3,000 qualified voters of~~
3 ~~the legislative district. For the first election following a~~
4 ~~redistricting of representative districts, nomination papers~~
5 ~~for an independent candidate for State Representative in the~~
6 ~~General Assembly shall be signed by at least 1,500 qualified~~
7 ~~voters of the representative district. For the first election~~
8 ~~following redistricting of county board districts, or of~~
9 ~~municipal wards or districts, or for the first election~~
10 ~~following the initial establishment of such districts or wards~~
11 ~~in a county or municipality, nomination papers for an~~
12 ~~independent candidate for county board member, or for alderman~~
13 ~~or trustee of such municipality, shall be signed by qualified~~
14 ~~voters of the district or ward equal to not less than 5% nor~~
15 ~~more than 8% (or 50 more than the minimum, whichever is~~
16 ~~greater) of the total number of votes cast at the preceding~~
17 ~~general or general municipal election, as the case may be, for~~
18 ~~the county or municipal office voted on throughout such county~~
19 ~~or municipality for which the greatest total number of votes~~
20 ~~were cast for all candidates, divided by the number of~~
21 ~~districts or wards, but in any event not less than 25 qualified~~
22 ~~voters of the district or ward. Each voter signing a nomination~~
23 ~~paper shall add to his signature his place of residence, and~~
24 ~~each voter may subscribe to one nomination for such office to~~
25 ~~be filled, and no more: Provided that the name of any candidate~~
26 ~~whose name may appear in any other place upon the ballot shall~~

1 not be so added by petition for the same office.

2 The person circulating the petition, or the candidate on
3 whose behalf the petition is circulated, may strike any
4 signature from the petition, provided that;

5 (1) the person striking the signature shall initial the
6 petition at the place where the signature is struck; and

7 (2) the person striking the signature shall sign a
8 certification listing the page number and line number of
9 each signature struck from the petition. Such
10 certification shall be filed as a part of the petition.

11 (3) the persons striking signatures from the petition
12 shall each sign an additional certificate specifying the
13 number of certification pages listing stricken signatures
14 which are attached to the petition and the page numbers
15 indicated on such certifications. The certificate shall be
16 filed as a part of the petition, shall be numbered, and
17 shall be attached immediately following the last page of
18 voters' signatures and before the certifications of
19 stricken signatures.

20 (4) all of the foregoing requirements shall be
21 necessary to effect a valid striking of any signature. The
22 provisions of this Section authorizing the striking of
23 signatures shall not impose any criminal liability on any
24 person so authorized for signatures which may be
25 fraudulent.

26 In the case of the offices of Governor and Lieutenant

1 Governor a joint petition including one candidate for each of
2 those offices must be filed.

3 A candidate for whom a nomination paper has been filed as a
4 partisan candidate at a primary election, and who is defeated
5 for his or her nomination at the primary election, is
6 ineligible to be placed on the ballot as an independent
7 candidate for election in that general or consolidated
8 election.

9 A candidate seeking election to an office for which
10 candidates of political parties are nominated by caucus who is
11 a participant in the caucus and who is defeated for his or her
12 nomination at such caucus, is ineligible to be listed on the
13 ballot at that general or consolidated election as an
14 independent candidate.

15 (Source: P.A. 95-699, eff. 11-9-07.)